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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
\$72,000 IN UNITED STATES)
CURRENCY;)
)
Defendant.)

No. CV 08-1305 JCS
REQUEST FOR THE CLERK
TO ENTER A DEFAULT

The United States of America, through its undersigned counsel, respectfully requests the Clerk to enter a default in this case pursuant to Rule 55(a), Federal Rules of Civil Procedure, and Rules 6-1 and 6-2, Admiralty Local Rules, on the basis that proper notice has been given, and that the no timely claim has been filed for defendant \$72,000 in United States Currency.

I. Background

On March 6, 2008, the United States filed this action to obtain the forfeiture of the above captioned defendant \$72,000 in United States Currency (“defendant funds”) pursuant to 21 U.S.C. § 881(a)(6), on the basis that defendant funds were furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of Supchapter I, Chapter 13 of Title 21 of the United States Code, or was proceeds traceable to such an exchange.

1 On March 13, 2008, the United States gave notice of the forfeiture action to parties who
2 might have an interest by serving Earl Kennedy and Robert Porter, at their last known addresses.
3 *See* Certificate of Service, filed March 13, 2008, docket #5. The United States published notice
4 of this action in the Inter City Express, a newspaper of general circulation, on May 30, June 6 and
5 13, 2008, and on an official government internet site for at least 30 consecutive days, beginning
6 on March 14, 2008. *See* Declaration of Publication, docket #13. To date, no one has filed a
7 claim to the above-captioned defendant funds or an answer to the Complaint for Forfeiture. *See*,
8 docket sheet.

9 **II. Request for Entry of A Default**

10 The United States gave direct notice by service of the Complaint for Forfeiture and
11 related documents to persons known to have an interest as required by Rule G(4)(b),
12 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The United
13 States also provided notice by publication as well as publication through an official government
14 internet site as required by Rule G(4)(a)(iv)(C), Supplemental Rules for Admiralty or Maritime
15 Claims and Asset Forfeiture Actions.

16 In order to appear and defend property named as a defendant in a civil forfeiture action,
17 an individual must file a claim within 35 days after notice of the action. Rule G(5)(ii)(A) and
18 (4)(b)(ii)(A), Supplement Rules of Certain Admiralty and Maritime Procedures. Otherwise, an
19 individual asserting an interest in defendant property who did not receive direct notice must file a
20 claim not later than 30 days after final publication in a newspaper or not later than 60 days after
21 the first date of publication on an official internet government forfeiture site. Rule G(5)(ii)(B).
22 After filing a timely claim, an individual seeking to defend the property in a forfeiture action has
23 an additional 20 days to file an answer. Rule G(5).

24 In this case, no person has filed a claim or answer within the time limits. Therefore, no
25 one has asserted the right to defend defendant funds. Accordingly, the United States requests the
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27

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1 Clerk to enter a default. Upon entry of a default, the United States will move for a default
2 judgment.

3 Dated: August 13, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

4
5 /S/
6 SUSAN B. GRAY
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

• REQUEST FOR THE CLERK TO ENTER A DEFAULT
to be served this date via U.S. mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

Earl Kennedy Jr.
P.O. Box 27215
Oakland, CA 94602-0415

Earl Kennedy Jr.
898 Davis Street, Apt #202
San Leandro, CA 94577-1554

Earl Kennedy Jr.
26970 Hayward Blvd., Apt #509
Hayward, CA 94542-2074

Robert Porter
12901 Jefferson Hwy. #522
Baton Rouge, LA 70816-6322

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of August, 2008, at San Francisco, California.

/S/

ALICIA CHIN
Paralegal/ Asset Forfeiture Unit